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ARIZONA ATTORNEY GENERAL

September 12, 1952  
Op. No. 52-259

*Yf Low 9/17/52*

Honorable Robert L. Myers  
Member of the Legislature  
Phoenix, Arizona

Dear Mr. Myers:

We are in receipt of your request for an opinion as to whether a person may change his registration of party affiliation after the primary election.

In this connection, we call your attention to Chapter 123, Laws of 1952, which amended Section 55-208 ACA 1939. This section reads in part as follows:

"(a) Any elector who not less than thirty days preceding any primary or general election removes from the precinct in which he is registered to another precinct, before he shall be permitted to vote shall make application to the county recorder or to a justice of the peace for cancellation of the former registration and shall register as a voter of the precinct to which he has removed. In like manner an elector who desires to affiliate with a political party or organization other than the one indicated by the record of his registration may make application for cancellation. The cancellation affidavit, if the elector is within the state, shall be executed and subscribed to before the recorder or a justice of the peace, and if without the state, before any officer authorized by law to administer oaths. \* \* \*"

This section authorizes an elector to cancel his registration of a party affiliation but is silent as to registration. If the elector cancels his party registration, then he must re-register before he is allowed to vote. Prior to the enactment of said Chapter 123, an elector could not change his party affiliation after April 30 in the general election year, but this limitation was removed when said Chapter 123 was enacted.

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While said Chapter 123 allows the elector up to thirty days before the election to change his registration in case of a change of his place of residence, the chapter is silent as to re-registration in case of a change of party affiliation. It merely authorizes him to cancel the registration. Therefore, a re-registration for change of party affiliation is subject to the limitation in Section 1, Chapter 90, Laws of 1943 (Section 55-202 ACA 1939 Supplement). This section reads in part as follows:

"On and after July 1, 1933, and continuously thereafter, the county recorder of each county shall register without charge, and in accordance with the provisions of this article, any qualified elector who presents himself for such purpose. Qualified electors may in like manner register before any justice of the peace, who shall promptly return each completed registration to the county recorder of the county in which the elector so registered resides provided, that no elector shall be registered between five o'clock p. m. of the sixth Monday preceding any primary or general election and six o'clock p. m. of the day thereof. \* \* \*"

Therefore, it is our opinion an elector may cancel his registration of party affiliation after the primary election, but after such cancellation, he must re-register to qualify him to vote at the ensuing general election and the re-registration is subject to the limitation in said Chapter 90 (Section 55-202 ACA 1939 Supplement).

Very truly yours,

FRED O. WILSON  
Attorney General

EARL ANDERSON  
Assistant Attorney General

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